

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
August 9, 2016

3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Department Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Chris Tschirki, Public Works Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Sam Kelly, City Engineer; Steven Downs, Assistant to the City Manager; Pete Wolfley, Communications Specialist; and Jackie Lambert, Deputy City Recorder

DISCUSSION – Dog Park Update

Mr. Hirst presented an update on the City's proposed Orem Bark Park. He reminded the Council of the proposed location at the Timpanogos Park and spoke to some of the advantages of the site selection. He said:

- The site had some mature trees which would be valuable in creating shade and beautification.
- They would have some grass areas but were trying to eliminate some of the surface areas.
- Instead of using pea gravel they intended to use a crushed aggregate around the edges near the fencing and around the trees.
- They were trying to make landscaping easier as well as avoid the typical issues that came from animals in parks.
- There would be a mixture of materials in surface.

Mr. Hirst said they had held an open house about the proposed park and there had been some good suggestions made. They were planning to have ADA accessible double gates to allow for transitions in and out of the park. A suggestion was made to have some cement pads to allow visitors who used wheelchairs, walkers, and strollers to rest on. He said some of the suggestions from the public were not necessarily fiscally possible but some could be implemented.

Mr. Downs said a survey had been conducted using a tool called GroupSolver in which 235 respondents answered questions and gave suggestions for the park. He said 69 percent of those

that responded were Orem residents. He said the GroupSolver tool allowed for user-generated questions to be voted on and discussed by other users. The top four ideas for the park were:

1. Plenty of seating – 95%
2. Proper fencing including double gates and separated small and large dog areas – 97%
3. Shade – 99%
4. Water for dogs and humans (preferably separate fountains) – 99%

Mr. Downs said other ideas had been discussed that were also popular, like having a mister or water feature for the dogs, an animal jungle gym, and lighting for the park. He explained that dogs and owners were likely to continue using the park into the evenings and in the colder months because dogs were better able to withstand the cold. Mr. Hirst added that lighting and other equipment like misters and jungle gyms for these kinds of parks were fairly expensive and may not be possible in the initial build.

There was subsequent discussion about how to fundraise for additional equipment by reaching out to enthusiastic dog owners and local pet stores. Mr. Hirst suggested that once the park was initially built they could look to fundraise and continue to add to the park. Mr. Davidson made the suggestion that they should install electrical conduits in anticipation of adding lighting to the park in the future.

Mr. Hirst said he was hoping to get the Council's approval to move forward with the project and begin the design and bid process. He felt they had found a good place for the park. In response to a question from the Council Mr. Hirst said he anticipated beginning the construction in the fall. Depending on winter conditions they could potentially take advantage of the slower construction period and have the park ready in the spring.

The general consensus of the City Council was to move forward with the Orem Bark Park in the proposed location.

DISCUSSION – City Centennial Considerations

Mr. Downs introduced City Management intern Nick Estrada to present on considerations for Orem's Centennial year – 2019. Mr. Estrada said he had been working on a project with the *Orem-Geneva Times* newspaper that had given him the opportunity to see what the City did for the 50th and 75th anniversaries of the City of Orem. He gave a presentation about possible considerations for the City Centennial Celebration.

Orem – 1919 to 2019

- 1969 – Orem's Golden Happening
 - Ran from March to December
 - Song, essay, art contests
 - Memories published in the *Orem-Geneva Times*
 - 50 year anniversary and birthday parties
- 1994 – Orem's Diamond Jubilee
 - Lasted the extent of Summerfest
 - Diamond contest
 - Birthday cake
 - Inaugural baby contest

- RC races
- Traditional Centennial Events
 - Proclamation from Mayor
 - Time capsule
 - Incorporation play
 - Ball or gala
- “Still Fruitful” – Orem’s Roots and Growth
 - Fruit
 - Railroad
 - Steel
 - Technology
 - Families
- Tying Together Old and New
 - A night of former Miss Orem winners
 - Original baby contest winners judging 25th annual contest, inclusion on parade float
 - Bid to host Miss Utah
 - Honoring of centenarians in Orem
 - Reunion Day
 - Orem memories (in newspaper or on social media)
 - Restoration of the Orem Preservation Committee
 - Recognition of noteworthy Orem residents/businesses
 - Panel with former Orem Mayors/Councilmembers
 - Orem scrapbook
- Considerations
 - Contest tied to newsletter (serial number)
 - Commemorative mural
 - Restoration of Bicentennial Statue
 - Inauguration of a City Mascot
 - Marketing
 - Dedicated logo and website
 - Additional Considerations
 - Merchandising
 - Committee organization
 - Budget allocation
 - Sponsorships
- Final Considerations
 - How big?
 - Who should take the lead?
 - How does the City want to allocate funds?

Mr. Estrada said there were many opportunities for collaboration with groups like the SCERA and the Orem Heritage Museum, and other long-standing organizations within the community. He said the final considerations were probably the most fundamental to be decided early, as they would determine the scope of the celebrations and allow for thoughtful planning leading up to the Centennial. Mr. Estrada said he would love to see more art installations in the city, as they were generally a great way to bring people together and would be a benefit to the community.

There was discussion about Provo's Centennial and subsequent celebrations. The Council suggested the following to be considered as part of Orem's celebrations:

- Map showing overlays of where canals, railroad tracks and stations, orchards, etc. used to be within the city
- 100 Days/Acts of Service
- City "passport" to visit significant locations to collect stamps for reward
- Commemorative coins
- City birthday party
- Food and games from 100 years ago
- Collaboration with UVU and Alpine School District
- Collaboration with neighborhood chairs and larger budget for spring clean up
- Commemorative puzzle—commissioned by local artist, e.g. Eric Dowdle or James C. Christensen
- Keynote speaker—like Orem resident Governor Gary Herbert

Mr. Seastrand said there were already a number of citizen commissions that were established, and he suggested having one representative from the various existing commissions to form an ad hoc commission for the planning and organization of the centennial.

Mr. Lentz expressed some concern about the budget and going overboard when there were other priorities within the City that needed to be addressed. He said the more outstanding part of the celebrations would not be the keepsakes and merchandize but the memories.

Mr. Macdonald suggested that some of the funding for the event could be set aside from the CARE monies over the next few years. Genelle Pugmire added that sponsorships from groups like *The Daily Herald* and donations could be a part of the funding as well.

Mr. Davidson said the intent of this initial discussion was not to plan out every detail to the letter. He stressed that some things would take time and money, so it was important that these things be considered now when there was time to plan.

Mr. Estrada encouraged the Mayor and Council to reach out to him with any further ideas to consider.

DISCUSSION – Questar Gas Pipeline Project Update

Mr. Davidson said he had spoken with multiple Councilmembers who regularly got questions about the Questar Gas Pipeline project going through the City. The misconception that this was the City's project was widespread. He said Orem staff had been getting more calls about this project than any Orem project and had been acting as the customer service line for Questar. He asked Sam Kelly to reach out to Questar and ask them to provide an update. Mr. Kelly introduced Alex Howard and Bobby Davis with Questar, and Brad Coleman with Canyon Pipeline, the contractor on the project.

Mr. Howard said they were replacing a high pressure gas line that had been installed in 1947. Mr. Coleman said they were nearing the end of the project and were finishing the work on Main Street at the moment.

In response to a question from Mr. Macdonald, Mr. Kelly explained that pipeline projects like these that were in the same areas or ran along the same roads could often not be worked on simultaneously. There were issues of space for equipment and personnel in the trenches, and other factors that had to be considered. He said Questar had been repaving the road in wide patches, trying to avoid the wheel paths. Mr. Kelly said Orem would have some projects in the latter part of the year, but they needed to do some underground work for sumps and piping.

Mr. Coleman said they expected the project to finish within the next two or three weeks. He said there had been open trench work on University Parkway to install a ninety-year pipe that needed more quality control. It was currently worked on at night, then the road was milled down and open trench areas were covered with plates. Mr. Howard said they anticipated being done in the University Parkway area in three weeks or so.

Mayor Brunst and Mr. Seastrand asked about the compressor stations at approximately 800 North and State Street (near Macey's Grocery) and 800 South and 200 West. Mr. Howard said the station near Macey's was a feat of engineering, designed to handle 300 pounds of pressure. The other station on 800 South and 200 West was a smaller station that would take from high pressure systems to intermediate. Mayor Brunst complimented Questar on the quality of their repaving efforts.

Mr. Bell said Mr. Coleman could be reached directly for customer support if needed on his cell phone.

Mr. Davidson said the Questar project was similar to projects needed in Orem for utilities pipelines as well as Rocky Mountain Power to upgrade power lines. He said it was typical as systems aged that they would need replacing, and it so happened some of these things would overlap with each other.

DISCUSSION – UTOPIA Update

Mayor Brunst and the City Council had a general discussion about the current status of UTOPIA and the direction they would like to take in moving forward. Roger Timmerman, President of UTOPIA was present for the discussion. Mayor Brunst gave an update of the five-year plan for UIA, and comparisons of UTOPIA's broadband speeds and service options with other providers.

There was discussion about the technical specifications of fiber. Mr. Davidson said a concern was that other providers had more components to their services than broadband alone. That made the environment for a fiber network even more competitive.

Mayor Brunst asked what the definition of success for UTOPIA in would be in the City or Orem. He asked each of the Councilmembers to share their thoughts and goals and ideas of success for the program.

Mr. Seastrand said collaboration between the organizations, cities, and customers would be key. He was concerned that there was not a good data collection process in place. He also hoped through collaboration that a strategy could be developed to provide service to interested areas and increase opportunities to connect. Mr. Seastrand said he would like to pay the operating expenses and have some debt exposure. He added that he would prefer to build out infrastructure conduit in conjunction with other build projects so as to only dig up the roads once.

Mr. Lentz said his number one goal was making UTOPIA available to those who were willing to pay for the connection. It was frustrating for those with the means and desire to connect that had not been able to. He said he was concerned about the misunderstanding that some had about the capability and relevance of copper infrastructure in the future. He said he had attended UTOPIA meetings and done his own research and was aware of the competition and their pricing and marketing strategies. He spoke to the possibility of other providers leasing the fiber network once it was built out. Mr. Lentz said broadening the scope of the Public Works Advisory Commission (PWAC) to include telecommunications and broadband fiber was a good idea.

Mr. Sumner said he felt they were doing a better job with UTOPIA but there was certainly still room for improvement. He agreed that there needed to be better coordination between the groups involved and thought there should be a strategy to make connections possible for those who wanted them. He felt the marketing of the product would be important in bringing in new connections, and wondered if UTOPIA already had a plan and what it would involve.

Mrs. Lauret asked about infrastructure in neighborhoods with less than ideal soil conditions, like her own neighborhood. She said she wanted to see the engineering report that UTOPIA was finishing, so they could see the real costs for building in all areas. From there they could plan for the build out of Orem and better gauge return on investment. Mrs. Lauret agreed with Mr. Seastrand about paying the outstanding operational expense costs.

Mr. Spencer said his number one concern was that there be no new debt because of UTOPIA. He had been against the Macquarie deal and thought they should move forward only as people were willing to pay for the service. He asked about the possibility of selling UTOPIA, and said he was interested in the idea of building out the network to have others lease the fiber to cover those costs. He said he would like to be provided the exact costs of connection from a home to a conduit.

Mr. Macdonald said he was frustrated with discussions like these, where numbers were spouted off with no context. He said there were problems and ignorance on all sides. Some did not understand the technology. Some did not understand the financing and contractual obligations, and cost of operations. There were issues in public opinion about the program, and in his personal opinion, issues of character and honesty in the running of UTOPIA. One of his major frustrations was that Orem did not seem to have an equal “voice at the table” with the other UTOPIA cities. He admitted that Orem’s own Council had a hard time finding a clear vision for the program, but he did not see any cohesion with the eleven UTOPIA cities either. He was frustrated with the dysfunction of UTOPIA at the higher levels.

Mayor Brunst said he would like to see build out based on demand, and he was interested in seeing the engineering study for costs. He said he wanted to see comparisons with other cities as well. His understanding was that a part of the five-year plan was an “awareness strategy” to send representatives door to door to educate people about the program. He wanted to know how they could pay down the debt and keep operating expenses in line, and wondered if UTOPIA would ever be a self-sufficient program.

Mr. Timmerman said UTOPIA had a good take rate and was the most successful provider in areas where UTOPIA was available. He said they were seeing increases in available areas, and hoped to expand those. He said if UIA were to rank areas that were left for build out based on

costs and take rate they would also look at fairness politically. They aimed to balance strategic and political interests. Mr. Timmerman said certain areas had more ideal soil conditions than others, and the engineering study would help them understand the real costs of build out in those areas. He said bonding with the eight UTOPIA cities that were not part of “the Big Three” to build out portions of each city would help improve financial positions for those cities. To Mr. Macdonald’s point, Mr. Timmerman said that some cities were in favor of bonding while others were not. He said they did not currently have interested buyers in the program, but he felt they were better off not selling and reinvesting. It would ultimately be the decision of the UTOPIA Board.

Mr. Manning said from a financial standpoint they would need to know the cost of build out from today forward before making decisions. He said the bonds would need to be able to stand completely on their own merit to not need to be guaranteed by franchise tax.

Mr. Davidson said this was as much a pencil and paper issue as it was a political issue. He said it was somewhat difficult for him to represent the City at UTOPIA and UIA meetings without knowing the clear vision of the Council. He said, in response to Mayor Brunst’s original question of the definition of success, that he had written down the following bullet points from the Council’s discussion:

- Collaboration and working together with clear vision moving forward
- Connections for those eager to connect and willing to pay
- Strategy to reach out to new customers in existing areas of service

Mayor Brunst said he would like to see the engineering study and city-to-city comparisons from UTOPIA when they were available.

5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst

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Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

The City Council and staff reviewed the items on the agenda.

City Council New Business

The Council discussed an issue about an existing billboard on State Street and the future of billboards and signage along the State Street corridor in connection with the City's State Street Master Plan. Mr. Earl said he would follow up with the issue and keep the Council in the loop moving forward.

The Council adjourned 5:59 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst

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INVOCATION / INSPIRATIONAL THOUGHT PLEDGE OF ALLEGIANCE

Marsha Cerny
Mark Preston

APPROVAL OF MINUTES

Mr. Macdonald **moved** to approve the following meeting minutes:

- Joint Orem/Vineyard City Council Meeting – June 23, 2016
- Joint Orem City Council/Alpine School District Meeting – June 30, 2016
- City Council Meeting – July 12, 2016

Mr. Sumner **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

Mr. Spencer **moved** to reappoint Terri Smith to the Library Advisory Commission, and to appoint Mike Graul and Shawn Lalliss to the Summerfest Advisory Commission. Mrs. Lauret **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

PRESENTATION – Miss Orem Donation for the All-Together Playground

Miss Orem Arline Pascual and Miss Orem Teen Glory Thomas and First Attendant Abby Lewis presented a donation to the City's All-Together Playground. Miss Orem Teen Glory Thomas said they had hosted a Princess Tea Party as a fundraiser, which was a great success that raised \$450 for the playground. They said they were thrilled to be involved with such a great project for the community.

Mayor Brunst accepted the donation on behalf of the City and posed for a photo with the royalty before they shook hands with the Councilmembers.

PRESENTATION – Cascade Kindness Club Donation for the All-Together Playground

Boyce Campbell, Principal of Cascade Elementary, and some of the members of the Cascade Kindness Club presented a donation to the City's All-Together Playground. Mr. Campbell said a goal the Kindness Club had set was to find ways to serve others. He appreciated their desires to serve one another and the community. They decided to make friendship bracelets which were sold at the school, and they raised \$185 to donate to the playground.

Mayor Brunst accepted the donation on behalf of the City and posed for a photo with Mr. Campbell and Kindness Club members before they shook hands with the Councilmembers.

REPORT – Sleepy Ridge Golf Course

Golden Holt presented a report for the Sleepy Ridge Golf Course. He said he had operated the golf course since 2005, and that business was good. He said generally a municipal golf course was successful if they were able to generate revenues at around \$1 million. He said Sleepy Ridge was trending upwards and was a little over that \$1 million benchmark. He said he wanted to give credit to previous Orem staff and Councilmembers who had the vision to collaborate and to invest in a bigger, better clubhouse. Mr. Holt said the clubhouse had hosted 235 weddings in the past year and also many other events like parties, dances, and galas. Mr. Holt said there were also office suites at the clubhouse that were fully leased.

Mr. Holt said in recent recession years many golf courses had to close, especially municipal golf courses. He was grateful that the City and the golf course had collaborated so well to maintain the course during those lean years. He called it a true private/public partnership, and said the model of collaboration had proved effective to a point that other municipalities were looking to follow the same model.

Mayor Brunst asked about the Cedar Hills golf course and the large clubhouse they had built as a

reception center. Mr. Holt said he could not speak to the partnership of Cedar Hills and their golf course, but he said Orem had never subsidized Sleepy Ridge like had been done in many other cities. His impression was that most municipal golf courses did not generate much revenue, but Sleepy Ridge generally operated in the black.

In response to a question from Mrs. Lauret, Mr. Holt said the wedding business was somewhat cyclical. The reception centers were typically reserved on weekends and throughout much of the summer and fall. He said they could only host two events at the same time, and last year they had to turn away about 100 requests because they were booked up. He said they anticipated approximately 200 weddings a year as the standard. He said between golfers and wedding and event guests, Sleepy Ridge had about 100,000 visitors a year.

Mr. Hirst said this was a very good partnership for both parties, and he was often asked by other cities how they established such a successful partnership. He said the City and Sleepy Ridge were equally fortunate partners.

City Manager Appointment

Mr. Davidson asked for the Council's advice and consent on the appointment of Mickey Cochran to serve on the Board of Adjustment.

Mr. Macdonald **moved** to give the Council's advice and consent to the appointment of Mickey Cochran to the Board of Adjustment. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

No one signed up to speak during Personal Appearances.

CONSENT ITEMS

There were no Consent Items.

SCHEDULED ITEMS

6:00 P.M. PUBLIC HEARING – PD-46 Setbacks – Orchard Heights
ORDINANCE – Amending Section 22-11-59(B)(3)(e) of the Orem City Code pertaining to setbacks in the PD-46 zone at 200 East 1200 South

Mr. Bench presented Harold Irving's request that the City amend Section 22-11-59(B)(3)(e) of the Orem City Code pertaining to setbacks in the PD-46 zone at 200 East 1200 South.

The applicant was currently constructing townhome units in the PD-46 zone. The plat that was originally approved for the project showed the corner of Unit 208 cut off as shown below to meet

setback requirements and to prevent encroachment onto the irrigation easement. The distance between Units 208 and 209 as shown on the recorded plat below was ten feet which was equal to the required setback.

The applicant recently applied for a building permit to construct a four-unit structure including Unit 208. However, in the building plans submitted with the building permit application, Unit 208 did not have a cut off corner as shown in the plat. Instead, the upper right corner of Unit 208 was squared off like every other unit which resulted in Unit 208 encroaching into the irrigation easement and encroaching into the required ten-foot setback.

Although the original approved plat for the project showed a cut off corner for Unit 208, it was not practical or architecturally compatible with the other units to construct this unit with a cut off corner. The applicant therefore requested the PD-46 zone be amended to allow a reduction in the setback between buildings in the PD-46 zone. The PD-46 zone currently required a ten foot setback between structures and the applicant proposed to reduce this setback to six feet. A reduction of the setback between buildings to six feet would allow the applicant to realign its building without losing any units.

The applicant would also relocate the irrigation easement to avoid any encroachment of units over this easement. The irrigation company that owned the easement had given consent to the relocation.

If the City Council approved the setback modification as requested, the applicant would be required to amend the subdivision plat to show the new footprint and location of Unit 208 and other affected units as well as the relocation of the irrigation easement. This must be done prior to issuance of the building permit.

The text of the proposed amendment is as follows:

22-11-59(B)

3. **Setbacks.** All setbacks shall be as shown in the concept plan included as Appendix “NN” of the Orem City Code. All structures shall be set back at least the following distances:

- (a) twenty-five feet (25') from 1200 South;
- (b) twenty-five feet (25') from 200 East measured from back of curb;
- (c) eighteen feet (18') from the back of curb or back of sidewalk, whichever applies, when adjacent to a private street or private drive;
- (d) except as otherwise provided herein, fifteen feet (15') from the southern boundary of the PD-46 zone and twenty feet (20') from all other boundaries of the PD-46 zone; and
- (e) ~~ten~~ six feet (~~10~~ 6') from another primary structure in the PD-46 zone.

Notwithstanding the foregoing, covered patios may encroach up to seven feet into the setback required from an exterior property line.

The Planning Commission recommended the City Council amend Section 22-11-59(B)(3)(e) of the Orem City Code pertaining to setbacks in the PD-46 zone at 200 East 1200 South. Staff supported the Planning Commission recommendation.

Mr. Bench clarified that amending the setbacks in this PD zone would not change requirements for other zones. He said they had renegotiated the lines of the structure to accommodate the

irrigation easement area, which had changed the setback between two buildings in the development. Dave Irving came forward to represent the applicant.

Mr. Irving said initially the living space above the front porch was not accounted for and so the corner setback issue had slipped through the cracks. He said they would like to rectify the issue and be able to move forward building as they had intended to build.

Mayor Brunst asked if the change in setbacks would produce any safety issues. Mr. Bench said he did not believe so. He said they typically allowed for a six-foot setback in a residential development; this issue was in a specific PD zone which was why it required Council approval.

Mr. Seastrand asked if the irrigation ditch would need to be moved. Mr. Irving said it was a piped and covered irrigation ditch and it would stay in place. They just needed to shrink the easement to make the building work. Mr. Bench added that the canal company had signed off on the change and that the item would go back before the Planning Commission for a revised plat that would show the reconfiguration of the easement.

Mr. Macdonald said the individual units looked good, but he had concerns about the development as a whole. He had driven through the area and had not seen any green space, yards, or playground areas and he felt the development was shoehorned into the area. He then asked about the square footage of each unit. Mr. Irving said the units were mostly identical to each other and were 2,300 sq. ft. including the unfinished basements. They were 3-story units with roughly 800 sq. ft. on each floor. He said they would complete a playground behind Lot 1.

Mayor Brunst opened the public hearing. There were no public comments, so Mayor Brunst closed the public hearing.

Mr. Spencer **moved**, by ordinance, to amend Section 22-11-59(B)(3)(e) of the Orem City Code pertaining to setbacks in the PD-46 zone at 200 East 1200 South. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Mark Seastrand, David Spencer, Brent Sumner. Those voting nay: Tom Macdonald. The motion **passed, 6/1**.

RESOLUTION – Site Plan – The Villas at Sleepy Ridge at 719 South Sleepy Ridge Drive in the PD-15 zone

Mr. Bench presented Harold Irving's request that the City approve the site plan of The Villas at Sleepy Ridge at 719 South Sleepy Ridge Drive in the PD-15 zone.

The applicant requests that the City Council approve a site plan for the last developable parcel in the PD-15 zone at 719 South Sleepy Ridge Drive. Although the Planning Commission approves most site plans, the PD-15 zone specifically requires City Council approval for site plans in this zone.

The proposed site plan contains 74 townhome units. The townhome units proposed for this site will be similar to the townhome units built by the developer on the property just to the south known as Pheasant Meadows at Sleepy Ridge as well as the units the developer is building in the PD-46 zone at 200 East 1200 South.

The subject property is located in Area C of the PD-15 zone which permits up to eight units per acre. Area C consists of approximately 78 acres which supports a total of 624 units. With the completion of The Villas at Sleepy Ridge, a total of 571 units will have been constructed in Area C which is less than the total allowable density.

The development includes two-story attached homes with garages, open space, and wetland restoration on the north end of the development. The exterior finishes consist of stone, stucco, and Hardi-Plank siding. The overall height of the structures is 32' 8" which is under the maximum permitted height of 35 feet.

A new public street, designated as 1840 West, will be constructed through the project to connect the development to the south (Pheasant Meadows at Sleepy Ridge) with the development to the north (Highland Homes Pod C). Right-of-way on 645 North was previously preserved to allow this connection to occur. All other roads internal to the development will be private.

The developer received written approval from the Army Corps of Engineers to relocate and restore the wetlands on the north side of the development. The developer will also deed a remnant of the subject parcel to the City.

The Planning Commission recommends the City Council approve the site plan of The Villas at Sleepy Ridge at 719 South Sleepy Ridge Drive in the PD-15 zone. Staff supports the Planning Commission recommendation.

Mr. Bench said this was the final large piece of property in the PD-15 at roughly 700 South 1840 West. He said Mr. Irving was also the applicant on this project, and the proposal was for 74 units. He said they were proposing a layout that would connect to the public street in the Pheasant Meadows development and then connect up to Sleepy Ridge Drive. He specified that the rest of the streets would be private. Mr. Bench said it was next to a protected area that would remain as open space that was owned by the City.

Mayor Brunst asked if the open space area required much maintenance. Mr. Bench said it was a natural wetlands area so maintenance was not allowed.

Mr. Bench reviewed the proposed elevations and the building materials. He said as part of the proposal they were required to replant the wetlands portion so it would be part of the project. In response to Mayor Brunst's question, Mr. Bench said the parking met requirements for the zone.

Mr. Macdonald asked if the units would be to own or to rent. He asked if the units would be similar to the unit in the other proposed project in the PD-46 area, and if the setbacks were set. He also asked if they were twin homes or single-family homes, and what the neighboring homes looked like.

Mr. Irving said they would be similar units to those proposed in PD-46, and that they would be to own. Mr. Bench said the setbacks would be approximately 10 feet. He said the PD-15 zone had areas A, B, and C when it was originally developed, and Area C allowed for attached units. He said the majority of Area C was done with attached-type units with some single-family homes in Area A. In response to Mr. Macdonald's request, he identified the subject area property on the overhead map.

Mr. Spencer asked where the Edge Homes were in relation to the proposed development. Mr. Bench identified the Edge Homes project on the overhead map. Mr. Bench said the overall density allowed for that project was 624, whereas the proposed Irving development would have 571 units at full build out which number was below the originally constituted density allotment.

In response to a question from Mayor Brunst, Mr. Irving said they had not necessarily begun to sell the units yet but had a reservation list for about fifteen pre-sold units. He said the price range for the units would be around \$240,000 to \$255,000.

Mayor Brunst **moved**, by resolution, to approve the site plan of The Villas at Sleepy Ridge at 719 South Sleepy Ridge Drive in the PD-15 zone. Mr. Spencer **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Mark Seastrand, David Spencer, Brent Sumner. Those voting nay: Tom Macdonald. The motion **passed, 6/1**.

RESOLUTION – Appointing a successor trustee for purposes of foreclosure under the Canyon River Special Improvement District

Mr. Earl presented Legal Services' request that the City Council appoint a successor trustee for purposes of foreclosure under the Canyon River Special Improvement District (SID).

On June 26, 2001, the City of Orem created the Canyon River Special Improvement District (SID) located at the mouth of Provo Canyon. On October 2, 2001, \$3,680,000 in SID Bonds was issued to finance certain capital improvements made within the District.

The assessments for all lots in this SID have now been fully paid except for one lot which has a delinquency in the amount of approximately \$37,000 for the 2015 annual assessment payment.

Numerous delinquency notices have been sent to the owner of the delinquent parcel and repeated attempts have been made to contact the owner with no response. Staff would now like to commence foreclosure proceedings on the parcel to collect the delinquent amount. In order to do this, the City needs to appoint a successor trustee for the SID who will handle the foreclosure process on behalf of the City.

Staff proposed to appoint J. Scott Brown, Esq., as the successor trustee. Mr. Brown has previously represented the City with respect to other foreclosure actions in the Canyon River SID and is very familiar with the situation.

The owner of the delinquent parcel can stop the foreclosure process at any time prior to the sale of the property by paying the amount owed plus interest and the City's costs of foreclosure.

Staff recommended the City Council appoint J. Scott Brown, Esq., as successor trustee for purposes of foreclosure under the Canyon River SID.

Mr. Earl said this was a simple matter of replacing the trustee because the previous trustee had passed away. Mr. Brown had unofficially assumed the position and had been working with the City on the SID and was familiar with the process.

Mr. Macdonald asked if the City could act as its own trustee for things like this. Mr. Earl said the City had that option, but had typically used outside counsel to handle these issues.

Mayor Brunst **moved**, by resolution, to appoint a successor trustee for purposes of foreclosure under the Canyon River Special Improvement District. Mr. Macdonald **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

ORDINANCE – Amending Article 2-34 Public Works Advisory Commission of the Orem City Code by adding two additional commission members and broadening its scope to review Public Works issues and make recommendations to the City Council

Mr. Tschirki presented a recommendation that the City Council, by ordinance, amend Article 2-34 Public Works Advisory Commission of the Orem City Code by adding two additional commission members and broadening its scope to review relevant Public Works issues and make recommendations to the City Council

Since its inception in the spring of 2014, the Public Works Advisory Commission (PWAC) has been charged with the responsibility to review and make recommendations to the Orem City Council regarding the development and adoption of the Storm Water Master Plan (January 2016), Sewer Master Plan (February 2016), and Water Master Plan (March 2016). In conjunction with these master plans, the PWAC recommended supporting financial plans and rate models that were also adopted and recently made effective. In addition to these efforts, the PWAC has reviewed and provided feedback regarding the conversion of the City's street lighting system to LED lights, creating a transportation utility fund, and Siemens' proposal to provide performance-based services that will benefit the City for many years to come. In a short amount of time, the PWAC has developed a relationship of trust with staff and the City Council and has become a well-respected and highly-regarded recommending body.

The City believed that the PWAC's scope should be expanded to include reviewing and making recommendations regarding City infrastructure that includes water, sewer, storm water, street lights, roads, telecommunications, and broadband fiber. Consequently, it is recommended that the number of commissioners be expanded from seven (7) to nine (9), which results in a quorum consisting of five (5) members. It is also recommended that the Chairperson and Vice Chairperson serve for two (2) years in these roles to provide greater continuity.

Mr. Tschirki said modifications to the size and scope of an advisory commission were required to be changed by ordinance by the City Council. He said the PWAC had been heavily involved in making recommendations to the Council over the last two years for the Storm Water, Sewer, and Water Master Plans. He said it would be beneficial to have the PWAC also review other public infrastructures like street lighting, and said that around 500 street lights had been replaced in the last week or so with LED street lighting. He said this had been part of the effort in working with Siemens to have more energy efficient street lighting. Mr. Tschirki said Mr. Macdonald and Mr. Spencer respectively had been liaisons with the PWAC.

Mrs. Lauret asked if this would apply to the current chair of the PWAC, Tai Riser, in having his period as chair expanded to two years. Mr. Tschirki said Mr. Riser had actually been the chair for nearly two years but would be concluding his time as chair soon. He said K.C. Shaw had also

acted as vice chair for the same period. In response to a follow-up question, Mr. Tschirki specified that the vice chair position did not necessarily move up to chair but both positions could be filled by commission members who had not previously served in that capacity.

Mr. Macdonald **moved**, by ordinance, to amend Article 2-34 Public Works Advisory Commission of the Orem City Code by adding two additional commission members and broadening its scope to review relevant Public Works issues and make recommendations to the City Council. Mayor Brunst **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

COMMUNICATION ITEMS

There were no Communication Items.

CITY MANAGER INFORMATION ITEMS

There were no City Manager Information Items.

ADJOURNMENT

Mr. Spencer **moved** to adjourn the meeting. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

The meeting adjourned at 6:45 p.m.

Donna R. Weaver, City Recorder

Approved: August 23, 2016